



California Multiple Award Schedule (CMAS)

Bulletin 33

June 2002

Executive Order D-55-02 and Management Memo 02-12

This bulletin serves to clarify interim guidelines that apply to the CMAS program and does not take precedent over Executive Order D-55-02 and Management Memo 02-12. This bulletin must be reviewed carefully by all state agencies.

All of these documents can be found on the Department of General Services (DGS), Procurement Division (PD) web site: www.dgs.ca.gov/pd.

Exempt Entities

Constitutional Officers, the University of California, the California State University, the Lottery Commission, the Public Employees' Retirement System, the State Teachers' Retirement System, the State Compensation Insurance Fund, and other independent state entities are exempt from Executive Order D-55-02 and Management Memo 02-12, but are encouraged to take all necessary actions to comply with the intent of the Executive Order.

Local government entities are exempt from Executive Order D-55-02 and Management Memo 02-12, but are subject to their own respective local government laws and procedures. A local government is any city, county, city and county, district, or other local governmental body or corporation, including K-12 schools and community colleges empowered to expend public funds.

Not Specifically Priced (NSP) Items

The Not Specifically Priced (NSP) Items provision enables the agency to include in the purchase order non-contract products and services that are subordinate and peripheral to the order items. See CMAS Agency Information Packet, Section 12, for applicable parameters. The cost of the NSP item(s) is included in the order limits.

New Order Limits and Minimum Solicitation Procedures

CMAS Purchases \$100,000 or Less for Information Technology (IT) Goods and Services, Commodities (Non-IT Products) and Non-Information Technology Services:

- State agencies must solicit and obtain, if available, offers from 3 suppliers (including 1 small business) to make a best value determination. This is not a bid transaction so small business preference, protest language, intents to award, evaluation criteria, advertising, etc. are not applicable.
 - If less than 3 offers received, document files with solicitation method used.
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**New Order
Limits
and Minimum
Solicitation
Procedures
(Continued)**

CMAS Purchases Greater than \$100,000 for Information Technology (IT) Good and Services and Non-Information Technology Services:

Approval of state agency purchase orders exceeding \$100,000, as covered by the Executive Order, must contain documentation of facts that support the existence of any of the applicable criteria outlined in Management Memo 02-12, ATTACHMENT C, #4.

In addition, the following is required for state agency CMAS purchase orders for information technology goods and services from \$100,000 to \$500,000 and non-information technology services from \$100,000 to \$250,000:

- State agencies must solicit and obtain, if available, offers from 3 suppliers (including 1 small business) to make a best value determination. This is not a bid transaction so small business preference, protest language, intents to award, evaluation criteria, advertising, etc. are not applicable.
 - If less than 3 offers received, documentation of solicitation method used must be included with contract reporting to DGS/PD. State agencies must use the Contract Award Report (www.dgs.ca.gov/pd) and include purchase orders and attachments as applicable.
 - Approval required by Department Director or next highest-ranking official below the Director.
 - No exemptions to the above limits will be considered.
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**Commodity
Limits**

Purchase orders for commodities are limited to \$100,000. No exceptions.

**Commodities
and Non-IT
Services
Combined**

Purchase orders that combine both commodities and non-IT services are limited to \$100,000 in total for all products and services combined with guidelines applicable for whatever constitutes the majority of the transaction.

**Non-IT
Services Over
\$35,000
Require
DGS/PD
Approval**

DGS/PD review and approval is required for non-information technology services orders greater than \$35,000 (limit reduced from \$50,000). State agencies must send purchase orders that exceed \$35,000 to the Department of General Services, Procurement Division, Contract Negotiations Unit, 707 Third Street, Second Floor, West Sacramento, CA 95605 (IMS #Z-1).

**DGS/PD
Reporting
Requirements**

All state agency purchase orders exceeding \$100,000 must be reported to DGS/PD within 5 days of contract execution. State agencies must use the Contract Award Report (www.dgs.ca.gov/pd) and include purchase orders and attachments as applicable.

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Excluded from Dollar Limits	Tax and finance charges (if applicable) are excluded from the dollar limits.
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Amendments	When amending an existing purchase order, the cost of the existing purchase order and the amendment combined is limited to \$100,000 total, or subject to MM 02-12 Interim Guidelines as applicable.
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Contract Changes	DGS/PD approval is required for changes to model contract terms and conditions. State agencies must send requests for changes to model contract terms and conditions to the Department of General Services, Procurement Division, Contract Negotiations Unit, 707 Third Street, Second Floor, West Sacramento, CA 95605 (IMS #Z-1).
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Failure to Comply	Failure to comply with the requirements of CMAS Bulletin 33 and Management Memo 02-12 will result in the loss of delegated purchasing authority.
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DGS Contacts for Questions	<p>Additional information regarding the Executive Order and Interim Guidelines (and potential changes to the interim guidelines) will be published on the Procurement Division web site (www.dgs.ca.gov/pd) as it becomes available.</p> <p>Also, available on our web site is a FAQ (Frequently Asked Questions) section that addresses common inquiries regarding the application of the Executive Order and Interim Guidelines.</p> <p>Questions regarding the Interim Guidelines may be forwarded to:</p> <p><u>Marnell Voss, Manager</u> <u>Business Development Unit</u> <u>Telephone: (916) 375-4563</u> <u>e-mail: marnell.voss@dgs.ca.gov</u></p>
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